

DEC 28 2010

Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2007-2923

**BECKY LYNN BROOKS,
aka BECKY LYNN CAINES,
aka BECKY LYNN ANDERSON,
aka BECKY LYNN SUMRALL**
1564 The Pike
Oceano, CA 93405
Psychiatric Technician License No. PT 22274

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about November 16, 1982, the Board issued Psychiatric Technician License No. PT 22274 to Becky Lynn Brooks, aka Becky Lynn Caines, aka Becky Lynn Anderson, aka Becky Lynn Sumrall (Respondent). The Psychiatric Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

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8. Section 4521 states, in pertinent part:

"The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)) for any of the following reasons:

"(a) Unprofessional conduct, which includes but is not limited to any of the following:

• • • •

“(4) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug as defined in Section 4022.

• • • •

“(8) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in paragraph (4).

• • • •

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision or terms of this chapter.

• • • •

"(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline. . . ."

COST RECOVERY

9. Section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 2576 states, in pertinent part:

3 “(a) A licensed psychiatric technician shall safeguard patients'/clients' health and safety by
4 actions that include but are not limited to the following:

5

6 “(2) Documenting patient/client care in accordance with standards of the profession;

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8 “(c) A violation of this section constitutes unprofessional conduct for purposes of
9 initiating disciplinary action.

10 11. California Code of Regulations, title 16, section 2578 states, in pertinent part:

11 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
12 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
13 considered to be substantially related to the qualifications, functions or duties of a licensed
14 psychiatric technician if to a substantial degree it evidences present or potential unfitness of a
15 licensed psychiatric technician to perform the functions authorized by his license in a manner
16 consistent with the public health, safety, or welfare. . . .”

17 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

18 12. Lipitor is categorized as a dangerous drug pursuant to section 4022.

19 13. Methamphetamine is a Schedule II controlled substance as designated by Health and
20 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to
21 section 4022.

22 14. Phenobarbital, a barbiturate, is a Schedule IV controlled substance as designated by
23 Health and Safety Code section 11027(d)(26), and is categorized as a dangerous drug pursuant to
24 section 4022.

25 15. Tegretol is categorized as a dangerous drug pursuant to section 4022.

26 16. Tiletal is categorized as a dangerous drug pursuant to section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crime)**

3 17. Respondent is subject to disciplinary action under sections 490 and 4521,
4 subdivision (f), in conjunction with California Code of Regulations, title 16, section 2578, in that
5 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
6 of a licensed psychiatric technician, as follows:

7 a. On or about September 29, 2008, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor interlineated count of violating Penal Code section 240 [assault] in
9 the criminal proceeding entitled *The People of the State of California v. Becky Lynn Brooks*
10 (Super. Ct. San Luis Obispo County, 2008, No. M000412891). The Court sentenced Respondent
11 to two (2) days in jail, placed her on 18 months of probation, and ordered the restraining order
12 against Respondent to remain in effect.

13 b. The circumstances underlying the conviction are that on or about December 13, 2007,
14 Respondent admittedly hit the head of her pregnant niece, Letiesha Tuter, with a fist numerous
15 times with both hands, and pulled hair out of L.T.'s head. Respondent was arrested.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(False Records)**

18 18. Respondent is subject to disciplinary action under section 4521, subdivision (a)(8), on
19 the grounds of unprofessional conduct, in that while on duty as a psychiatric technician at Normal
20 Life of California, Grover Beach, California, Respondent falsified, or made grossly incorrect,
21 grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to
22 controlled substances and / or dangerous drugs, as follows:

23 a. Patient D.N., at Taylor House

24 On or about January 5, 6 and 7, 2008, the physician's orders were one (1) 300 mg tablet of
25 Trileptal, crushed, at 0800 hours and 2000 hours daily in G-tube¹. On or about January 5, 6 and
26 7, 2008, for three (3) days at 2000 hours, Respondent obtained two (2) 300 mg tablets of Trileptal

27 ¹ A gastrostomy tube, or G tube, is a tube that is placed directly into the stomach through
28 the skin and the stomach wall, for long term administration of food, fluids, and medications.

1 for administration to the patient; each day, 300 mgs more than the physician's orders. Each day,
2 at 2000 hours, Respondent documented administration of 300 mgs Trileptal to the patient on the
3 patient's Medication Administration Record (MAR). On or about January 5, 6 and 7, 2008,
4 Respondent overmedicated the patient by administering a total of 900 mg of Trileptal more than
5 the physician's order. Respondent failed to account for 900 mg Trileptal in any hospital record.

6 b. Patient J.W., at Taylor House

7 (1) On or about January 22, 2008, the physician's orders were 400 mg Tegretol,
8 chewable, at 0800 hours and 2000 hours, daily. On the patient's MAR, Respondent documented
9 administration of 400 mg Tegretol at 2000 hours. Respondent failed to remove the 400 mg of
10 Tegretol assigned for administration at 2000 hours because it remained in the patient's bubble
11 pack punch card² of medication. Respondent documented administration of 400 mg Tegretol,
12 when in fact, she did not administer the medication to the patient. Respondent improperly
13 accounted for 400 mg Tegretol in hospital records.

14 (2) On or about January 22, 2008, the physician's orders were 20 mg Lipitor, once a day,
15 at 2000 hours. On the patient's MAR, Respondent documented administration of 20 mg Lipitor
16 at 2000 hours. Respondent failed to remove the 20 mg Lipitor assigned for administration at
17 2000 hours because it remained in the patient's bubble pack punch card of medication.
18 Respondent documented administration of 20 mg Lipitor, when in fact, she did not administer the
19 medication to the patient. Respondent improperly accounted for 20 mg Lipitor in hospital
20 records.

21 c. Patient T.S., at Magnolia House

22 On or about May 19, 2008, the physician's orders were Phenobarbital 64.8 mg tablet, twice
23 a day. At 2000 hours, Respondent signed out a Phenobarbital 64.8 mg tablet on the controlled
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25 ² Punch Card is a term used by this facility to refer to a medication blister pack. The pack
26 is used to dispense medications in premeasured amounts for patients. The pack is made of
27 cardboard with a series of holes. Within each hole is a transparent material that allows the
28 medications to be observed without opening the "bubble" which contains the medications. To
remove the medication, the thin transparent material composing the bubble is torn by pushing on
the tablet contained in the bubble out through the transparent material. The medication is then
removed for administration.

1 substance log for the patient. On the patient's MAR, Respondent documented administration of a
2 Phenobarbital 64.8 mg tablet at 2000 hours. Respondent failed to remove the Phenobarbital 64.8
3 mg tablet assigned for administration at 2000 hours because it remained in the patient's bubble
4 pack punch card of medication. Respondent documented administration of a Phenobarbital 64.8
5 mg tablet, when in fact, she did not administer the medication to the patient. Respondent
6 improperly accounted for 64.8 mg Phenobarbital in hospital records.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Failure to Document Patient Care Conforming to Standards)**

9 19. Respondent is subject to disciplinary action under section 4521, subdivision (a), and
10 California Code of Regulations, title 16, section 2576, subdivision (a)(2), on the grounds of
11 unprofessional conduct, in that on or about January 5, 6, 7 and 22, 2008, and May 19, 2008,
12 Respondent failed to safeguard patients'/clients' health and safety by failing to document
13 patient/client care in accordance with standards of the profession. Complainant refers to and by
14 this reference incorporates the allegations set forth above in paragraph 19, subparagraphs a - c,
15 inclusive, as though set forth fully.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 20. Respondent is subject to disciplinary action under section 4521, subdivision (a), in
19 that Respondent committed acts of unprofessional conduct as set forth above in paragraphs 17 –
20 19, inclusive, as though set forth fully.

21 **DISCIPLINE CONSIDERATIONS**

22 21. To determine the degree of discipline, Complainant alleges that:

23 a. On or about November 16, 2005, the Board issued a Notice of Warning letter to
24 Respondent for her 2002 conviction for violating Health and Safety Code section 11377(a),
25 possession of 1.5 ounces of Methamphetamine, a controlled substance and dangerous drug.

26 b. On or about February 5, 2002, after pleading guilty to violating one misdemeanor
27 count of Health and Safety Code section 11377(a) [possession of a controlled substance, to wit,
28 methamphetamine] in the criminal proceeding entitled *The People of the State of California v.*

1 *Becky Lynn Brooks* (Super. Ct., San Luis Obispo County, 2001, No. M320363), the Court placed
2 Respondent on deferred entry of judgment for 36 months.

3 c. The circumstances underlying the criminal violation are that on or about
4 November 30, 2001, Respondent was admittedly in possession of 1.5 grams of tested
5 methamphetamine, a controlled substance and dangerous drug, without a valid prescription.
6 Respondent was arrested.

7 **PRAYER**


8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

10 2. Revoking or suspending Psychiatric Technician License No. PT 22274, issued to
11 Respondent;

12 3. Ordering Respondent to pay the Board the reasonable costs of the investigation and
13 enforcement of this case, pursuant to section 125.3; and

14 4. Taking such other and further action as deemed necessary and proper.

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17 DATED: December 23, 2010

18 
19 TERESA BELLO-JONES, J.D., M.S.N., R.N.
20 Executive Officer
21 Board of Vocational Nursing and Psychiatric Technicians
22 Department of Consumer Affairs
23 State of California
24 Complainant

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